

ARGUMENT

Nearly all of the locking hinges that exist, or have existed, have a pair of pivotally connected hinge portions which are locked via a latch means that is usually spring actuated. So there is nothing novel about a hinge having these elements. However, what is novel and distinguishable from a patent standpoint lies not in the fact that a hinge has similar elements as the prior art but in the hinge's unique geometry of its elements and their geometric orientation. Also, one must further look to see if the hinge has additional features that the prior art does not anticipate. The instant invention is just such a case as the amended claims in this Office Action Response are not anticipated by the prior art as they are distinguishable from the same due to the unique geometric design of the elements and their respective geometric relationship and the fact that the instant invention has additional features not seen in the prior art.

The claims as amended are not anticipated by Cheng, U.S. Patent 5,970,540, for a number of reasons. First and foremost, the instant invention can be engaged and disengaged with a single hand, a key novel design feature of the instant invention and a feature not found or anticipated in the prior art or the Cheng reference. The ability of the instant invention to be operated with one hand is due to the unique geometric design of its elements in combination with the geometric relationship between the elements, a concept not found in the prior art. Indeed, the Cheng design requires external devices, namely the playpen floor, to operate the hinge. The Cheng hinge design can not operate on its own as a self standing hinge but must be incorporated with non hinge elements for it to be operated. Furthermore to disengage the hinge in the Cheng reference one must hold onto the playpen with one hand while grabbing the floor of the playpen with the other.

Second, the instant invention contains several unique and novel design features not found or anticipated in the prior art and which make it distinguishable from the prior art. For example, the locking latch is located on the outside of the hinge, is spring actuated with the spring being disposed between the latch and the top part of one hinge portion, and is pivotally connected to the top part of one hinge portion. In addition, the latch contains a press tab and a connecting lobe in a 90 degree orientation with the main portion of the latch and which is designed to engage a recess in the opposing hinge portion to lock the hinge. Also, the latch has two flanges that act as stops for the latch. This uniquely designed latch in combination with its geometric orientation to the hinge portions allows the hinge to be operated with a single hand, without the need for additional parts beyond the parts contained in the hinge. Unlike the instant invention the Cheng reference is different; the latch is entirely contained within one of the hinge portions, is not pivotally attached to either hinge portion but actually slides up and down within a hinge portion, and does not contain a connecting lobe that is in a 90-degree orientation with its main portion. Furthermore, the Cheng hinge requires an external device to operate the locking means. The instant invention contains both distinguishing elements and more elements than the Cheng reference.

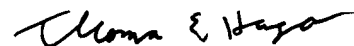
Third, the instant invention was specifically designed for use with wading staffs for fly fishermen who typically only have one hand free to handle a wading staff. As

such, a wading staff that can be assembled and broken down with one hand operation is critical. As stated in the specification the unique geometry of the latch being spring actuated and pivotally connected to the top part of a hinge portion in combination with the connecting lobe's engagement with the recess in the opposing hinge portion allows the invention to be operated with one hand, both being engaged and disengaged. The Cheng reference would not be applicable to a wading staff. The instant hinge can be used in any number of applications and is not limited to wading staffs. The benefit of an one hand operation can be observed in other applications of the hinge. For example, but not limited to this example, the hinge can be used in conjunction with a poled device such as a collapsible cane used by an injured or handicap person who may only have one hand available to operate the cane.

In sum, the Cheng reference does not anticipate the instant invention as the latter has a completely different design, contains several distinguishing elements, and due to its unique and novel features can be engaged and disengaged with one hand. The Cheng reference does not disclose the amended claimed invention as an anticipation rejection requires.

If you have any questions regarding this office action please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas E. Hagar", written in a cursive style.

Thomas E. Hagar
Registration No. 42,617

Drawings

There are presently no changes to the Drawings.